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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2010-576

13 **CHRISTINE DOROTHY HARTSOCK,**
14 **a.k.a. CHRISTINE D. HARTSOCK,**
15 **a.k.a. CHRISTINE DOROTHY BANMAN**
201 N. Ridge Road
Bailey, CO 80421
Registered Nurse License No. 577974

A C C U S A T I O N

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about February 28, 2001, the Board issued Registered Nurse License Number
23 577974 to Christine Dorothy Hartsock, also known as Christine D. Hartsock and Christine
24 Dorothy Banman ("Respondent"). Respondent's registered nurse license expired on July 31,
25 2004.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the
11 following:

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
15 California health care professional licensing board. A certified copy of the decision
16 or judgment shall be conclusive evidence of that action . . .

17 6. Code section 2762 states, in pertinent part:

18 In addition to other acts constituting unprofessional conduct within the
19 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
20 person licensed under this chapter to do any of the following:

21 (a) Obtain or possess in violation of law, or prescribe, or except as
22 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
23 himself or herself, or furnish or administer to another, any controlled substance as
24 defined in Division 10 (commencing with Section 11000) of the Health and Safety
25 Code or any dangerous drug or dangerous device as defined in Section 4022.

26 (b) Use any controlled substance as defined in Division 10 (commencing
27 with Section 11000) of the Health and Safety Code, or any dangerous drug or
28 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license . . .

7. Health and Safety Code section 11170 states that no person shall prescribe,
administer, or furnish a controlled substance for himself.

8. Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that
“[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to

1 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
2 misrepresentation, or subterfuge . . .”

3 COST RECOVERY

4 9. Code section 125.3 provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 CONTROLLED SUBSTANCES AT ISSUE

9 10. “Fentanyl” is a Schedule II controlled substance as designated by Health and Safety
10 Code section 11055, subdivision (c)(8).

11 11. “Cocaine” is a Schedule II controlled substance as designated by Health and Safety
12 Code section 11055, subdivision (b)(6).

13 FIRST CAUSE FOR DISCIPLINE

14 (Disciplinary Actions by the Colorado State Board Nursing, the 15 Board of Nurse Examiners for the State of Texas, and the Nursing Care 16 Quality Assurance Commission for the State of Washington)

17 12. Respondent is subject to disciplinary action pursuant to Code section 2761,
18 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined
19 by the Colorado State Board of Nursing (hereinafter “Colorado Board”), the Board of Nurse
20 Examiners for the State of Texas (hereinafter “Texas Board”), and the Nursing Care Quality
21 Assurance Commission for the State of Washington (hereinafter “Washington Nursing
22 Commission”), as follows:

23 a. On or about August 28, 2006, pursuant to the Stipulation and Final Agency Order in
24 the disciplinary proceeding titled *In the Matter of Disciplinary Proceedings Regarding the*
25 *License to Practice Professional Nursing in the State of Colorado of Christine D. Hartsock,*
26 *License No. 123465, Case No. RG NU DLVMN*, the Colorado Board accepted the permanent
27 relinquishment (surrender) of Respondent's license to practice as a professional nurse in the State

28 ///

1 of Colorado. A true and correct copy of the Stipulation and Final Agency Order is attached
2 hereto as exhibit A and incorporated herein by reference.

3 b. On or about March 20, 2007, pursuant to the Order of the Board in the disciplinary
4 proceeding titled *In the Matter of Permanent Certificate Number 645404 issued to Christine*
5 *Dorothy Banman*, the Texas Board revoked Respondent's permanent certificate to practice
6 professional nursing in the State of Texas based on the disciplinary action by the Colorado Board
7 as above. A true and correct copy of the Order of the Board is attached hereto as exhibit B and
8 incorporated herein by reference.

9 c. On or about November 20, 2008, pursuant to the Stipulated Findings of Fact,
10 Conclusions of Law and Agreed Order in the disciplinary proceeding titled *In the Matter of*
11 *Christine D. Banman aka Christine D. Hartsock Credential No. RN00139211*, Case No. M2008-
12 118268, the Washington Nursing Commission indefinitely suspended Respondent's credential to
13 practice as a registered nurse in the State of Washington with no right to seek reinstatement of her
14 credential for a period of at least 24 months from the effective date of the Agreed Order. A true
15 and correct copy of the Stipulated Findings of Fact, Conclusions of Law and Agreed Order is
16 attached hereto as exhibit C and incorporated herein by reference. Respondent stipulated to the
17 following facts:

18 1. On approximately November 9, 2006, a narcotic count was done at the end of
19 Respondent's shift, revealing 1 ampule of fentanyl missing. The Director of Nursing at Southwest
20 Seattle Surgery Center where Respondent was working also noted that on days when Respondent
21 was working, there were often broken fentanyl ampules left in the narcotics drawer.

22 2. After this event, several vials of fentanyl were returned to the manufacturer by
23 the facility to determine whether they had been tampered with.

24 3. On approximately December 8, 2006, the manufacturer reported that 1 vial
25 contained fluid that was only 73.6% of its expected potency and 2 vials were 0.09% of their
26 expected potency.

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1 4. On approximately February 20, 2007, after testing an additional 34 vials, the
2 manufacturer reported that all 34 vials had been tampered with and that each vial was less than
3 7% of the labeled potency.

4 5. Respondent admitted in a written statement to the Department of Health
5 investigator that she tampered with fentanyl vials and had refilled the vials with normal saline.
6 Respondent further admitted that she used fentanyl which she had taken from the Southwest
7 Seattle Surgery Center.

8 6. On November 16, 2006, the Washington Commission entered a Stipulation to
9 Informal Disposition *In the Matter of the License to Practice as a Registered Nurse of Christine*
10 *D. Hartsock*, Docket No. 06-09-A1087RN.¹ Pursuant to the Stipulation, Respondent was to
11 comply with various terms, including the following: Respondent shall seek a substance abuse
12 evaluation through the Washington Health Professional Services (WHPS) program and then, if
13 recommended, enter and comply with all aspects of the WHPS program. If Respondent fails to
14 cooperate with WHPS during the initial substance abuse evaluation or comply with any aspect of
15 the Commission thereafter, it will be a violation of the Stipulation to Informal Disposition and
16 may result in the Commission taking further disciplinary action against Respondent's credential.

17 7. On or about March 20, 2007, Respondent submitted to a drug test and tested
18 positive for cocaine.

19 8. On or about April 17, 2007, Respondent submitted to a drug test and tested
20 positive for cocaine.

21 9. The WHPS program notified the Compliance Office for the Washington
22 Nursing Commission that Respondent was out of compliance with her WHPS contract.

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26 ¹ The Stipulation to Informal Disposition provided that it was not a formal disciplinary
27 action, but was subject to federal reporting requirements pursuant to Section 1128E of the Social
28 Security Act and 45 CFR Part 61, and any other applicable interstate/national reporting
requirements.

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1 2. Ordering Christine Dorothy Hartsock, also known as Christine D. Hartsock and
2 Christine Dorothy Banman, to pay the Board of Registered Nursing the reasonable costs of the
3 investigation and enforcement of this case, pursuant to Business and Professions Code section
4 125.3;

5 3. Taking such other and further action as deemed necessary and proper.

7 DATED: _____

5/6/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

STIPULATION AND FINAL AGENCY ORDER

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case No. RG NU DLVMN

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE
TO PRACTICE PROFESSIONAL NURSING IN THE STATE OF COLORADO OF
CHRISTINE D. HARTSOCK, LICENSE NO. 123465.

IT IS HEREBY STIPULATED by and between the Colorado State Board of Nursing (the "Board") and Christine D. Hartsock, RN, ("Respondent") as follows:

1. The Board has jurisdiction over the person of Respondent and the subject matter of this Stipulation and Final Agency Order ("Stipulation and Order").
2. Respondent was licensed to practice as a professional nurse in the State of Colorado on October 28, 1999, being issued license number 123465, and is currently so licensed.
3. In late 2005, Respondent moved to Federal Way, Washington.
4. Respondent no longer wishes to practice as a professional nurse in the State of Colorado, no longer wishes to hold a license to practice as a professional nurse in the State of Colorado, and has no interest in renewing her license to practice as a professional nurse in the State of Colorado.
5. The statutory authority of the Board to accept Respondent's relinquishment is granted by § 12-38-122(2), C.R.S., (2005), which provides in part:

Following the initiation of an investigation or hearing and upon a finding that to do so would be in the public interest, the board may allow a licensee ...to surrender his license to practice.
6. Respondent hereby permanently relinquishes the license and the right to practice as a professional nurse in the State of Colorado, and requests the Board to accept said relinquishment. By signing this Stipulation and Order, Respondent agrees to never re-apply for a nursing license in Colorado. Respondent hereby tenders her license with this signed Stipulation and Order.

7. This Stipulation and Order is entered into by Respondent voluntarily, after an opportunity to consult with counsel and with full understanding of the legal consequences of this Stipulation and Order.

8. This Stipulation and Order shall become an Order of the Board when accepted by the Board and signed by an authorized Board representative.

9. This Stipulation and Order is a public record in the custody of the Board at all times.

RESPONDENT

COLORADO STATE BOARD OF NURSING

Christine Hartsock, RN

Christine D. Hartsock, RN

By:

Mark Merrill

Mark Merrill, RN
Program Director
State Board of Nursing
1560 Broadway, Suite 880
Denver, Colorado, 80202

Effective Date: This 28th day of August, 2006.

APPROVED AS TO FORM:

Law Office of Hugh S. Pixler, LLC

Hugh S. Pixler
Hugh Pixler, 17006
410 17th St. #1300
Denver, CO 80202
Telephone: (303) 892-0900
FAX: (303) 446-0803

JOHN W. SUTHERS
Attorney General

Barbara Ezyk
Barbara Ezyk, #26031 *
Assistant Attorney General
Business & Licensing Section

Attorneys for State Board Of Nursing, Panel A

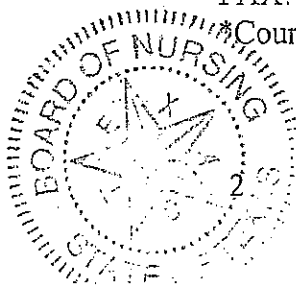
1525 Sherman Street, 5th Floor
Denver, CO 80203
Telephone: (303) 866-5919
FAX: (303) 866-5395

*Counsel of Record

I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date:

Signed:



STATE OF COLORADO

STATE BOARD OF NURSING

Mark Merrill
Program Director

1560 Broadway, Suite 880
Denver, Colorado 80202-5146
Phone (303) 894-2430
Fax (303) 894-2821
V/TDD (303) 894-7880
www.dora.state.co.us/nursing

Department of Regulatory Agencies

Tambor Williams
Executive Director



Division of Registrations

Rosemary McCool
Director

Bill Owens
Governor

CERTIFICATE OF SERVICE

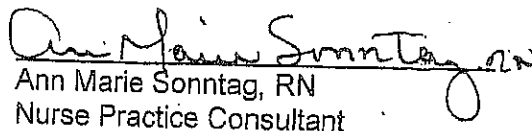
I hereby certify that the attached is a true and correct copy of the Stipulation and Final Agency Order regarding the licenses to practice as a professional nurse of Christine Hartsock, and was placed in the United States mail, postage prepaid at Denver, Colorado this 28th day of August 2006, addressed as follows:

Christine Hartsock
1427 SW 306th Street
Federal Way, WA 98023

Hugh S. Pixler, LLC
410 17th Street, #1300
Denver, CO 80202

Hand Delivered

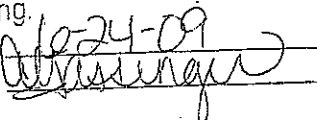
Barbara Ezyk
Assistant Attorney General
Business and Licensing Section
1525 Sherman Street, 5th floor
Denver, CO 80203


Ann Marie Sonntag, RN
Nurse Practice Consultant

I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date:

Signed:

10-24-09




STIPULATION and FINAL AGENCY ORDER/ FINAL AGENCY ORDER (AGO OR ESP)
CHECKLIST

LICENSEE NAME: Christine Houtso Jr. LICENSEE #: RN 123456
A.K.A/MAIDEN: _____ LPN _____
DATE OF BIRTH: _____ LPT _____
SSN: _____

TYPE OF DISCIPLINE: prim surrender EFFECTIVE DATE: 8/28/06

CIRCLE LETTER TYPE TO ACCOMPANY:

- | | |
|---|--|
| <input type="radio"/> AGREEMENT TO CEASE PRACTICE | <input checked="" type="radio"/> RELINQUISHMENT - <u>surrender</u> |
| <input type="radio"/> CERTIFICATE OF SERVICE ONLY | <input type="radio"/> RESTRICTIONS |
| <input type="radio"/> CNHP | <input type="radio"/> SUSPENSION |
| <input type="radio"/> PARALLEL | <input type="radio"/> STIPULATED SUMMARY SUSPENSION |
| <input type="radio"/> PROBATION | |

ADDRESS OF RECORD MATCHES STIPULATION:

ADDRESS OF RECORD:

☒ YES _____

- NO: 1. Changed Address to match Stip _____
2. No Address Provided _____
3. Check for multiple addresses to send FAO _____

Copy to:

- ☒ Licensee cover letter - forms attached? yes / no _____ Date Sent 8/28/06 AMS
- ☒ Licensee Attorney (if applicable)(stip & cover letter-no reports) Dixler Date Sent 8/28/06 AMS
- ☒ Assistant Attorney General(stip & cover letter no reports) St. Enyke Date Sent 8/28/06 AMS
- ☐ Administrative Law Judge _____ Date Sent _____
- ☒ Copy for Scanning (C&I 13th Floor) Fill out Scanning Sheet and clip to copy _____ Date Sent 8/28/06 AMS
- ☒ Copy for Office of the Inspector General (file -accordian file in complaint drawer) _____ Date 8/28/06 AMS
- ☒ Letter to Complainant(s): Conaway, Gregory, McCallister Date Sent 8/28/06 AMS
- ☒ Update in DLS: complaint#(s): 2005-004285, 2006-001173, 2006-003053 Date 8/28/06 AMS
- ☒ Update in DLS: Licensee Flags: PRO SUR SUS REV BRD/ACTION _____ Date 8/28/06 AMS
- ☒ Update in DLS: Status: surre _____ Date 8/28/06 AMS
- ☒ National Council Discipline Report Form (submit to NURSYS on internet) _____ Date 8/28/06 AMS
- ☒ Other States: _____ Date 8/28/06 AMS
- ☒ Complete Takeda Tracking Sheet (place on left of folder on top of documents) _____ Date 8/28/06 AMS
- ☐ Courtesy copy of stipulation to CNHP _____ Date _____

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EXHIBIT B

ORDER OF THE BOARD

IN THE MATTER OF
PERMANENT CERTIFICATE

NUMBER 645404

ISSUED TO

CHRISTINE DOROTHY BANMAN

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS

ORDER OF THE BOARD

TO: Christine Dorothy Banman
9320 S. Padre Island Dr #408
Corpus Christi, Texas 78418

During open meeting held in Austin, Texas, on March 20, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely notice of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion to set aside the default order (22 TEX. ADMIN. CODE § 213.16(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 645404, previously issued to CHIRSTINE DOROTHY BANMAN, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 645404, previously issued to CHRISTINE DOROTHY BANMAN, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 20th day of March, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 645404
Issued to CHRISTINE DOROTHY BANMAN
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of March, 2007, a true and correct copy of
the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and
addressed to the following person(s):

Christine Dorothy Banman
9320 S. Padre Island Dr #408
Corpus Christi, Texas 78418

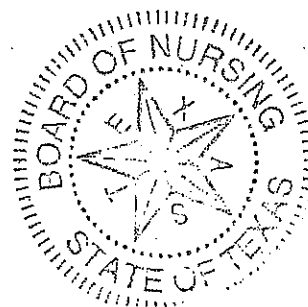
BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

I certify this to be a true copy of the
records on file with the Texas Board
of Nursing.

Date:

Signed:

6-24-09
[Signature]



In the Matter of Permanent License
Number 645404, Issued to
CHRISTINE DOROTHY BANMAN, Respondent

§
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BEFORE THE BOARD
OF NURSE EXAMINERS
FOR THE STATE OF
TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHRISTINE DOROTHY BANMAN, is a Registered Nurse holding license number 645404, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about August 28, 2006, Respondent permanently surrendered her license to practice professional nursing in the State of Colorado to the Colorado State Board of Nursing, Denver, Colorado, and agreed to never reapply for a nursing licence in Colorado. A copy of the Stipulation and Final Agency Order of the Colorado State Board of Nursing, is attached and incorporated by reference as a part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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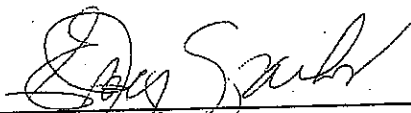
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Colorado State Board of Nursing's Stipulation and Final Agency Order, which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Colorado State Board of Nursing Stipulation and Final Agency Order dated August 28, 2006.

Filed this 23rd day of January, 20 07.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Victoria Cox, Assistant General Counsel
State Bar No. 0079585
E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600
BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-7401

Attachments: Colorado State Board of Nursing's Stipulation and Final Agency Order dated August 28, 2006.

0999/D



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I certify this to be a true copy of the records on file with the Texas Board of Nursing.
Date: 1-24-07
Signed: [Signature]

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EXHIBIT C

**STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND AGREED ORDER**

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of

CHRISTINE D. BANMAN aka
CHRISTINE D. HARTSOCK
Credential No. RN00139211

Respondent

No. M2008-118268

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
AGREED ORDER

The Nursing Care Quality Assurance Commission (Commission), through Miranda Bayne, Department of Health Staff Attorney, and Respondent, represented by counsel, if any, stipulate and agree to the following:

1. PROCEDURAL STIPULATIONS

- 1.1 On October 9, 2008, the Commission issued a Statement of Charges against Respondent.
- 1.2 In the Statement of Charges, the Commission alleges that Respondent violated RCW 18.130.180(1), (4), (6), (9) and (23)(b) and (c).
- 1.3 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Statement of Charges.
- 1.4 Respondent understands that if the allegations are proven at a hearing, the Commission has the authority to impose sanctions pursuant to RCW 18.130.160.
- 1.5 Respondent has the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.
- 1.6 Respondent waives the opportunity for a hearing on the Statement of Charges provided that the Commission accepts this Stipulated Findings of Fact, Conclusions of Law and Agreed Order. (Agreed Order)
- 1.7 The parties agree to resolve this matter by means of this Agreed Order.
- 1.8 Respondent understands that this Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.9 If the Commission accepts this Agreed Order, it is subject to the federal reporting requirements pursuant to Section 1128E of the Social Security Act and 45 CFR Part 61, RCW 18.130.110 and any other applicable interstate/national reporting requirements. It is a public document and will be available on the Department of Health web site.

1.10 If the Commission rejects this Agreed Order, Respondent waives any objection to the participation at hearing of any Commission members who heard the Agreed Order presentation.

2. FINDINGS OF FACT

Respondent and the Program stipulate to the following facts:

2.1 On November 28, 2000, the state of Washington issued Respondent a credential to practice as a registered nurse. Respondent's credential expired on June 14, 2008.

2.2 On approximately November 9, 2006, a narcotic count was done at the end of Respondent's shift, revealing one (1) ampoule of fentanyl missing. The Director of Nursing at Southwest Seattle Surgery Center where Respondent was working also noted that on days when Respondent was working, there were often broken fentanyl ampoules left in the narcotics drawer.

2.3 After this event, several vials of fentanyl were returned to the manufacturer by the facility, to determine whether there was tampering.

2.4 On approximately December 8, 2006, the manufacturer (Hospira) reported findings that revealed that one (1) vial contained fluid that was only 73.6% of its expected potency, two (2) vials were 0.09% of their expected potency.

2.5 On approximately February 20, 2007, Hospira reported that after testing an additional thirty four (34) vials, it was found that all thirty four (34) vials had been tampered with. Each vial was less than 7% of the labeled potency, and all manufacturing quality control was deemed sufficient.

2.6 In her statement to the Department of Health Investigator, Respondent wrote that she did tamper with fentanyl vials, refilling the vials with normal saline.

2.7 Respondent further admitted that she used fentanyl which she had taken from the Southwest Seattle Surgery Center.

2.8 On November 16, 2006, the Commission entered a Stipulation to Informal Disposition In the Matter of the License to practice as a Registered Nurse of Christine D. Hartsock, Docket No. 06-09-A-1087RN (2006 Stipulation). In the 2006 Stipulation, Respondent was to comply, with among other terms, the following conditions:

A. Respondent shall seek a substance abuse evaluation through the Washington Health Professional Services (WHPS) program and then, if recommended, enter and comply with all aspects of WHPS. If Respondent fails to cooperate with WHPS during the initial substance abuse evaluation or comply with any aspect of the Commission thereafter, it will be a violation of this Stipulation to Informal Disposition and may result in the Commission taking further disciplinary action against Respondent's credential. Respondent must contact the WHPS program and begin the evaluation process on or before thirty (30) days from the effective date of this Stipulation to Informal Disposition. Respondent shall sign a release that allows the WHPS program to provide the Nursing Care Quality Assurance Commission monitoring records and/or reports pertaining to her participation in the program. (Paragraph 2.1 of the 2006 Stipulation).

2.9 On or about March 20, 2007, Respondent submitted to a drug test and tested positive for cocaine.

2.10 On or about April 17, 2007, Respondent submitted to a drug test and tested positive for cocaine.

2.11 On September 4, 2007, the WHPS program sent a memo to Adena Nolet, Compliance Office for the Nursing Commission, stating that Respondent was out of compliance with her WHPS contract.

2.12 On September 12, 2007, the Nursing Commission sent Respondent a letter stating that she was out of compliance with the 2006 Stipulation, because she had violated the contract with WHPS. In the letter, Respondent was given until

September 26, 2007 to come into compliance with the 2006 Stipulation.

2.13 To date, the Respondent remains out of compliance with the 2006 Stipulation.

3. CONCLUSIONS OF LAW

The State and Respondent agree to the entry of the following Conclusions of Law:

3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 Respondent has committed unprofessional conduct in violation of RCW 18.130.180(1), (4), (6), (9) and (23)(b) and (c).

3.3 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

4. AGREED ORDER

Based on the Findings of Fact and Conclusions of Law, Respondent agrees to entry of the following Agreed Order:

4.1 Respondent's credential to practice as a registered nurse in the state of Washington shall be and is hereby **INDEFINITELY SUSPENDED** with no right to seek reinstatement of credential for a period of at least twenty-four (24) months from the effective date of this Agreed Order.

4.2 Respondent shall immediately return all licenses, certificates, and/or registrations, including wall certificates, display, wallet and preceptor, if any, to the Department of Health, Nursing Commission, PO Box 47864, Olympia, WA 98504-7864.

4.3 Prior to petitioning for reinstatement of her credential, Respondent must provide satisfactory evidence of being clean and sober for at least twenty-four (24) consecutive months immediately preceding any such petition. Evidence of being clean and sober shall include but is not limited to random observed biological fluid testing, completion of chemical dependency treatment, participation in professional peer support groups and NA/AA, and a recent (within ninety (90) days) chemical dependency evaluation by a Commission – approved evaluator. The evaluation shall include:

A. Respondent's condition or diagnosis;

- B. Conclusions and prognosis;
- C. Recommendations regarding the need for ongoing care and treatment;
- D. Professional opinion regarding Respondent's ability to practice nursing with reasonable skill and safety.

4.4 Respondent is responsible for all costs of complying with this Agreed Order.

4.5 Respondent shall inform the Program and the Adjudicative Clerk Office, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change.

4.6 The effective date of this Agreed Order is the date the Adjudicative Clerk Office places the signed Agreed Order into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Agreed Order.

5. ACCEPTANCE

I, CHRISTINE D. BANMAN, Respondent, have read, understand and agree to this Agreed Order. This Agreed Order may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Agreed Order.

Christine Banman
CHRISTINE D. BANMAN
RESPONDENT

10/25/08
DATE

_____, WSBA #
ATTORNEY FOR RESPONDENT

DATE

6. ORDER

The Commission accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED: November 20, 2008

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

Susan L. Woods
PANEL CHAIR

PRESENTED BY:

Miranda Bayne
MIRANDA BAYNE, WSBA #38189
DEPARTMENT OF HEALTH STAFF ATTORNEY

November 20, 2008
DATE